IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5931 OF 2004

Shri Ramchandra Govind Deokar
through legal heirs ..Petitioner
vs.
Shri Maruti Nivrutti
Deokar and Ors. ...Respds.

P.A. Pol for the petitioner.

CORAM: S.U. KAMDAR, J.

DATE : 23RD DECEMBER, 2005.

P.C. :

1. The present petition is challenging the order dated 8.5.2002 passed by the Additional Commissioner, Pune by which the revision authority has confirmed the order passed by the competent authority in the revenue proceedings. It is an admitted position that the property was originally an ancestral property and all parties were entitled to the rights therein in respect of entire property as an undivided interest. However the petitioner has contended before the revisional authority as

well as before me that there was an oral partition. No evidence of any nature whatsoever has been produced and therefore the said contention has been rightly rejected by the Revisional authorities. It will be open for the petitioner to establish the said oral partition by filing the civil suit. However in a revenue proceedings in absence of any evidence it was not possible for the authorities to accept the case of the petitioner. The issue is required to be considered in a substantive suit and on oral evidence lead by the parties. In that light of the matter the order passed by the Additional Commissioner, Pune does not require any interference. Petition thus fails and accordingly dismissed.

sd/-

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